

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

BLAKE D. COLSON,
Defendant.

8:21-CR-41

**ORDER RE: DEFENDANT'S MOTION
TO MODIFY TERMS OF RESTITUTION**

This matter is before the Court on defendant Blake D. Colson's pro se Motion to Modify Terms of Restitution, [Filing 53](#). Defendant asks the Court to increase his monthly payment from his prisoner trust account from the current level set by Bureau of Prisons (BOP) personnel. For the reasons stated below, Defendant's Motion is granted.

The Court sentenced Colson to a term of twelve months of incarceration for wire fraud on November 19, 2021. [Filing 47](#). The Court also imposed a two-year term of supervised release to follow and ordered Colson to pay restitution in the amount of \$15,349.58. [Filing 50](#). The Court's Judgment provides for his monetary penalty to be paid in monthly installments of \$100 or three percent of his gross income following his release from prison. [Filing 50 at 7](#). The Judgment also notes the "penalty is due in full on the date of the judgment," and "[u]nless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment." [Filing 50 at 7](#). Further, the Court noted "[a]ll criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court." [Filing 50 at 7](#).

Colson's Motion and inmate account statement, which he attached, indicate BOP personnel determined in accordance with the Inmate Financial Responsibility Program (IFRP) that he should pay \$54 per month of his ordered restitution. *See generally* [Filing 53](#). Colson indicates he has

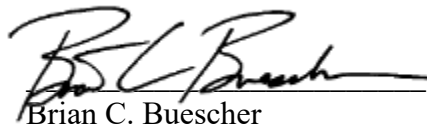
unanticipated funds available from his spouse and his job as indicated on his account statement. *See generally* [Filing 53](#). He requests the Court order his payment schedule be modified to allow him to pay \$100 per month towards his required restitution while he is in BOP's custody, instead of the \$54 per month he is currently paying. The information submitted by Colson indicates he is currently able to pay \$100 per month. *See generally* [Filing 53](#). Accordingly, the Court will order that he pay \$100 per month toward his restitution while incarcerated. However, if BOP determines in the future that Colson has become unable to pay \$100 per month, it may reduce his monthly payment in accordance with IFRP guidance without further order from the Court. The defendant is also reminded that he may submit payment, or have payment submitted on his behalf, directly to the Clerk of the Court without going through the IFRP if he is financially able to do so, in accordance with the Court's Judgment. *See* [Filing 50 at 7](#).

IT IS ORDERED:

1. Defendant's Motion, [Filing 53](#), is granted;
2. Defendant shall pay \$100 per month towards his ordered restitution while incarcerated;
and
3. BOP may reduce Defendant's monthly payment in accordance with IFRP guidance if BOP personnel determine Defendant has become unable to pay \$100 per month during his incarceration.

Dated this 21st day of April, 2022.

BY THE COURT:


Brian C. Buescher
United States District Judge